



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET #SC2003-0023**

December 23, 2003

Mr. Raoul J. Deserres, Jr.  
30 Dwight Avenue  
Seabrook, New Hampshire 03874

**RE: Wetlands Bureau Complaint File #1999-1233, 30 Dwight Avenue, Seabrook Tax Map 8 / Lot 89-0**

Dear Mr. Deserres:

The Department of Environmental Services ("DES") Wetlands Bureau is conducting a systematic review of all enforcement cases currently outstanding. As you are aware, on July 30, 1999, DES sent you a letter informing you that DES had received a complaint of possible violations on the above referenced property, more specifically referenced on the Town of Seabrook Tax Map 8 as Lot 89-0 (the "Property").

In July of 1999, DES personnel inspected the property and determined that you had filled in wetlands with logs and brush, a path was dredged through a wetland, a stream was diverted as a result of the dredged path, and logging ruts in wetlands were observed. At that time, DES personnel told you to stop doing any further work in wetlands.

On October 15, 2003, DES conducted a follow up inspection of the property and confirmed that you have dredged approximately 1,300 sq. ft. of freshwater wetland and diverted a stream on the property.

On November 20, 2003, DES received a Standard Dredge and Fill Application from you to fill 2,967 sq. ft. of the same freshwater wetland referenced above to access upland for the construction of a garage.

DES will not take action on the Standard Dredge and Fill Application at this time until the past wetland violations are resolved.

Therefore, DES requests that you take the following action

1. Revise the current plan to depict the past extent of disturbance in jurisdictional wetlands and stream diversion, and a restoration plan, as described below.
2. Submit both the existing conditions plan, and a restoration plan no later than February 23, 2004 for review and approval including:

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- a. A plan with dimensions for the restoration of approximately 1,300 sq. ft. of unpermitted dredge in wetlands, restore the stream channel to its original channel and regrading the disturbed areas to original contours;
  - b. Planting plan (emergent/scrub-shrub wetland species) for the stabilization of the restored areas;
  - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
  - d. Construction sequence and timetable for accomplishing remediation no later than July 5, 2004.
3. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
  4. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Enforcement Investigator  
Wetlands Bureau  
Department of Environmental Services  
360 Corporate Drive  
Suite 2  
Portsmouth, NH 03801

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Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dori Wiggin', is written over the word 'COPY'.

Dori Wiggin  
Coastal Supervisor  
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7003 1010 0003 3557 2449

cc: Rene Pelletier, Manager, Land Resources Management Program  
Mark Harbaugh, DES Legal Unit  
Seabrook Conservation Commission  
Paul Garand, Seabrook Building Inspector  
Henry H. Boyd, Jr.